

Exhibit A



Alexandra Gutierrez <agutierrez@revealnews.org>

FOIA request from Reveal/CIR

1 message

Michael Montgomery <mmontgomery@revealnews.org>

Tue, Feb 23, 2021 at 3:00 PM

To: gaskins.kia.d@dol.gov

Cc: Victoria Baranetsky <vbaranetsky@revealnews.org>, Alexandra Gutierrez <agutierrez@revealnews.org>

Kia Gaskins
Disclosure Officer
Bureau of International Labor Affairs
U.S. Department of Labor
[200 Constitution Avenue, N.W.](#)
[Washington, D.C. 20210](#)
(202) 693-4903
Gaskins.kia.d@dol.gov

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RE: Freedom of Information Act request

NEWS MEDIA REQUESTER**FEE WAIVER REQUESTED**

February 23, 2021

Dear Ms. Gaskins,

I am a reporter with the public radio program Reveal from The Center for Investigative Reporting. Under the Freedom of Information Act, 5 U.S.C. § 552 et seq., I request copies of the following documents, correspondence, Trip Notes, Interviews, Written Communications, or any other documents included in the following:

All records possessed by the Department of Labor ILAB that discuss labor practices, treatment of workers, and living conditions in the Dominican Republic in lands and/or communities overseen by Central Romana or any of its affiliated individuals or companies from 2014-2020.

These records may be located in the following files but are not limited to:

All underlying records, including but not limited to notes, files, emails, trip records, field notes, spreadsheets, used to produce the six annual Periodic Reviews of Implementation of Recommendations in the U.S. Department of Labor's Public Report of Review of Submission 2011-03 (Dominican Republic). These include but are not limited to any source materials that form the basis of or pertain to the following statements:

- “Efforts and progress, however, continue to vary widely across companies.” (Fifth Periodic Review, <https://www.dol.gov/sites/dolgov/files/ILAB/legacy/files/Fifth%20Periodic%20Review%20of%20Implementation%20of%20Recommendations%20in%20DOL's%20Report%20of%20Review%20of%20Submission%202011-03.pdf>)
- “Efforts and progress, however, continue to vary significantly across companies.” (Sixth Periodic Review, [https://www.dol.gov/sites/dolgov/files/ILAB/legacy/files/Dominican%20Republic%20Sixth%20Periodic%20Review%20Statement%20\(English\).pdf](https://www.dol.gov/sites/dolgov/files/ILAB/legacy/files/Dominican%20Republic%20Sixth%20Periodic%20Review%20Statement%20(English).pdf))

If some portions of the requested records are exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. 5 U.S.C. § 552(b). If any portion of the requested records is exempt from disclosure, please provide an index of the withheld materials as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1972).

FEE WAIVER REQUEST

Please consider a fee waiver for this research/information.

FOIA provides that the agency shall furnish requested records without or at reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

The requested materials involve matters of significant public interest. Records likely to be disclosed in response to this request will contribute significantly to the public’s understanding of DOL’s monitoring efforts. These details are not already publicly available and the records would provide a more thorough public understanding of the role of the sugar industry in the CAFTA/DR trade agreement, and of the production of sugar in the Dominican Republic. Reveal will use records responsive to this request in the creation of widely disseminated news stories that will inform the public about these matters and the operations of the government.

NEWS MEDIA STATUS

Requester CIR is a nonprofit media organization organized under Section 501(c)(3) of the Internal Revenue Code and this request is made for non-commercial purposes. As such, we request that any applicable fees associated with this request be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). A fee waiver in this instance would fulfill Congress’ intent in amending the FOIA. See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (quotation marks omitted)).

As a news media requester, CIR asserts that it cannot be charged search or review fees.

The organization meets the definition of a “representative of the news media” for purposes of the FOIA, since CIR “gathers information of potential interest to a segment of the public, uses its

editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III).

As the D.C. Circuit has held, the “representative of the news media” test is focused on the requestor rather than the specific FOIA request. Cause of Action v. F.T.C., 799 F.3d 1108, 1121 (D.C. Cir. 2015). CIR satisfies this test because CIR applies its expertise and editorial skills to turn raw materials and information into investigative reports that are widely disseminated on its website, revealnews.org, radio program and podcast, and through partners such as The Associated Press.

In the event the fee waiver is not granted, I may not be charged for the first two hours of search time, or for the first hundred pages of duplication. Please contact me and advise me of the cost of this request if processing costs exceed \$100.

I request that the processing of this request be expedited pursuant to 28 C.F.R. § 16.5(e)(1)(iv).

In order to expedite delivery of these requested documents and in order to reduce possible fees incurred, I am requesting that these documents be delivered to me either digitally via email (in PDF format), or on a data disk via the U.S. Postal Service.

Please email copies of responsive documents to:

mmontgomery@revealnews.org

Or, please mail a data disk containing copies of responsive documents to:

Michael Montgomery

The Center for Investigative Reporting

1400 65th St., Suite 200

Emeryville, CA 94608

Should you elect, for any reason, to withhold, redact, or deny the release of any record responsive to this request, I request that you provide me with a specific explanation for each withholding/redaction, along with pertinent legal citations.

Please confirm the receipt of this request at your earliest convenience and provide me with an estimate of processing time.

Thank you,

Michael Montgomery

Senior Reporter-Producer

415-699-3233 cell

www.revealnews.org

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